

REMARKS

Claims 160 and 187 have been amended. Claims 160-162, 165, and 187-190 are now pending. Reconsideration is respectfully requested in view of the following remarks. Applicants acknowledge the withdrawal of the rejections under 35 U.S.C. 112, first paragraph and the double patenting rejection.

Applicant thanks Examiner for the Interview on May 16, 2005. During this interview, Applicant and Examiner discussed the rejection under 35 U.S.C. 103(a) and the cited references.

Claim Rejections Under 35 U.S.C. 103(a):

The only pending rejection is the Examiner's rejection of claims 160-162, 165, and 187-190 under 35 U.S.C. 103(a) as being unpatentable over Pendergast (4,956,355) in view of Lieberman et al. (Pharmaceutical Dosage Forms, page 110). Also, the Examiner has rejected claims 160, 165, and 187-190 under 35 U.S.C. 103(a) as being unpatentable over Nyce (5,527,789) and Lieberman et al. (Pharmaceutical Dosage Forms, page 110).

The presently claimed invention pertains to the dehydroepiandrosterone type agent in a composition having a defined particle size range. To expedite prosecution, Applicant has amended claim 160 to correspond to the particle sizes provided for in the declaration from Dr. Cynthia B. Robinson. Also, claim 187 has been amended such that the particle size does not overlap with the Lieberman and Remington references. Also, as provided in the declaration, the claimed composition provides localized treatment in a high, non-systemic manner that is not taught or suggested by Pendergast (4,956,355), Nyce (5,527,789), Remington, or Lieberman.

Applicants would also like to assert that the Lieberman and Remington references provide a range of particle sizes, 0.5 to 7 μm and 0.5 to 5 μm . Claim 160 is now directed to a specific size range of about 1.0 to about 5 μm , which is the same range of particles as in the declaration. The Lieberman and Remington references do not have any teaching with respect to this specific size range for the dehydroepiandrosterone type agent composition of the claim. Hence, Applicants respectfully request the withdrawal of the obviousness rejection under 35 U.S.C. 103(a).

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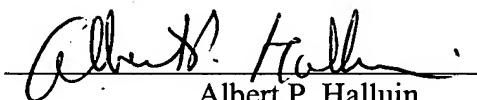
CONCLUSION

In light of the remarks set forth above, Applicants believe that they are entitled to a letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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